

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

| | | |
|---|---|---------------------------------|
| QBE Insurance Corporation, |) | |
| |) | |
| Plaintiff, |) | ORDER GRANTING MOTION TO |
| |) | VACATE SCHEDULING ORDER |
| vs. |) | |
| |) | |
| Corrie Burckhard, as Personal |) | |
| Representative for the Estate of Todd |) | |
| Burckhard, Decedent; Maria Mack, as |) | |
| Personal Representative for the Estate of |) | |
| Blaine H. Mack, Decedent; BNSF Railway |) | |
| Company, a Delaware corporation; and |) | |
| CUSA ES, LLC d/b/a Coach America Crew |) | |
| Transport, and Timothy P. Rennick, |) | Case No. 4:13-cv-125 |
| |) | |
| Defendants. |) | |

Before the court is a Motion to Vacate Scheduling Order filed by defendants BNSF Railway Company and CUSA ES, LLC d/b/a Coach America Crew Transport on March 5, 2015. Plaintiff QBE Insurance Corporation filed a response on March 31, 2015.

The court held a telephonic status conference to discuss the motion on April 1, 2015. Jacob M. Tomczik appeared on plaintiff's behalf. Cortney S. LeNeave and Thomas M. Flaskamp appeared on behalf of defendants Corrie Burckhard and Maria Mack. Scott M. Stearns and Christopher L. Decker appeared on behalf of defendants BNSF Railway Company and CUSA ES, LLC.

The parties agreed that it would be appropriate to vacate to all discovery deadlines pending resolution of the pending motions to dismiss. They further agreed that they would like to keep the existing trial date. Accordingly, the court **GRANTS** the Motion to Vacate Scheduling Order (Docket No. 54) and **ORDERS** that all existing discovery deadlines shall be vacated and discovery

shall be stayed pending resolution of the motions to dismiss. The discovery deadlines will be reset as necessary after the motions to dismiss have been resolved. The final pretrial conference set for November 3, 2015, and the Jury Trial set for November 16, 2015, will remain on the court's calendar at this time. Those dates may need be continued if there is not sufficient time to conduct the necessary discovery after the motions to dismiss are resolved.

IT IS SO ORDERED.

Dated this 1st day of April, 2015.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court